

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
(FOLEY SQUARE)**

\_\_\_\_\_  
§  
§  
**ELLINGTON CREDIT FUND, LTD.** §  
**AND ECF SPECIAL SECURITIES, LLC** §  
**PLAINTIFFS** §  
§  
V. §  
§  
**SELECT PORTFOLIO, INC.,** §  
**MANUFACTURERS AND TRADERS** §  
**TRUST COMPANY, MBIA INSURANCE** §  
**CORPORATION, MOUNTAIN WEST** §  
**REALTY CORP., RESIDENTIAL REAL** §  
**ESTATE SERVICES, INC., ALTA REAL** §  
**ESTATE SERVICES, INC., AND PELATIS** §  
**INSURANCE AGENCY CORP.** §  
**DEFENDANTS** §  
\_\_\_\_\_

**ECF CASE**

**CASE NO. 1:08-CV-02437-RJS**

**MOTION TO ADMIT COUNSEL  
PRO HAC VICE**

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Court for the Southern and Eastern Districts of New York, I, Patricia B. Tomasco, a member in good standing of the bar of this Court, hereby moves for an Order allowing the admission pro hac vice of

Applicant's Name:	Stephen W. Lemmon
Firm Name:	Brown McCarroll, L.L.P.
Address:	111 Congress Avenue, Suite 1400
City/State/Zip:	Austin, Texas 78701
Phone Number:	512-479-1148
Fax Number:	512-226-7325

Mr. Lemmon is a member in good standing of the Bar of the State of Texas. There are no pending disciplinary proceedings against Mr. Lemmon in any State or Federal court.

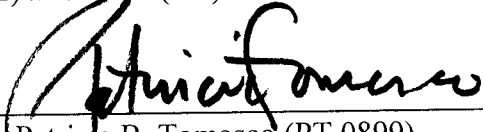
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950021825

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
MAY 7 2008

Dated: May 6, 2008  
Austin, Texas

Respectfully submitted,

**BROWN MCCARROLL, L.L.P.**  
111 Congress Avenue, Suite 1400  
Austin, Texas 78701  
(512) 479-1141  
(512) 226-7320 (fax)

By:   
Patricia B. Tomasco (PT 0899)  
Texas Bar No. 01797600  
ptomasco@mailbmc.com  
Stephen W. Lemmon  
Texas Bar No. 12194500  
slemmon@mailbmc.com  
M. Daniel Guerra  
Texas Bar No. 00793865  
dguerra@mailbmc.com  
Kell C. Mercer  
Texas Bar No. 24007668  
kmercerc@mailbmc.com

ATTORNEYS FOR PLAINTIFFS

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
(FOLEY SQUARE)**

	§	<b>ECF CASE</b>
	§	
<b>ELLINGTON CREDIT FUND, LTD.</b>	§	
<b>AND ECF SPECIAL SECURITIES, LLC</b>	§	
<b>PLAINTIFFS</b>	§	
	§	
<b>V.</b>	§	<b>CASE NO. 1:08-CV-02437-RJS</b>
	§	
<b>SELECT PORTFOLIO, INC.,</b>	§	
<b>MANUFACTURERS AND TRADERS</b>	§	<b>AFFIDAVIT OF PATRICIA B.</b>
<b>TRUST COMPANY, MBIA INSURANCE</b>	§	<b>TOMASCO IN SUPPORT OF</b>
<b>CORPORATION, MOUNTAIN WEST</b>	§	<b>MOTION TO ADMIT COUNSEL</b>
<b>REALTY CORP., RESIDENTIAL REAL</b>	§	<b>PRO HAC VICE</b>
<b>ESTATE SERVICES, INC., ALTA REAL</b>	§	
<b>ESTATE SERVICES, INC., AND PELATIS</b>	§	
<b>INSURANCE AGENCY CORP.</b>	§	
<b>DEFENDANTS</b>	§	
	§	

I, PATRICIA B. TOMASCO, hereby declare as follows:

1. I am a partner at Brown McCarroll, L.L.P., counsel for Plaintiffs, Ellington Credit Fund, Ltd. and ECF Special Securities, LLC, in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiffs' motion to admit Stephen W. Lemmon as counsel pro hac vice to represent Plaintiffs in this matter.
2. I am a member in good standing of the bar of the State of New York, and was admitted to practice on December 7, 2006. I am also admitted to the bar of the United States District Court for the Southern District of New York and am in good standing with this Court.
3. I have known Stephen W. Lemmon since 1986.
4. Mr. Lemmon is a partner at Brown McCarroll, L.L.P. in Austin, Texas.
5. I have found Mr. Lemmon to be a skilled attorney and a person of integrity. He is experienced in Federal practice and familiar with the Federal Rules of Procedure.
6. Accordingly, I am pleased to move the admission of Stephen W. Lemmon, pro hac vice.
7. I respectfully submit a proposed order granting the admission of Stephen W. Lemmon, pro hac vice, which is attached hereto as Exhibit A. Attached hereto as Exhibit B is a Certificate of Good Standing from The Supreme Court of Texas.

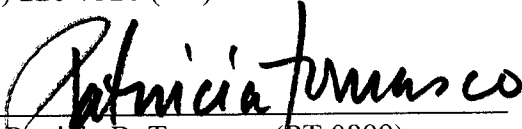
WHEREFORE, it is respectfully requested that the Motion to Admit Stephen W. Lemmon, pro hac vice, to represent Plaintiffs in the above-captioned matter, be granted.

I declare under penalty of perjury under the laws of the State of New York that the foregoing is true and correct and that this Affidavit was executed on May 6, 2008, in Austin, Texas.

Dated: May 6, 2008  
Austin, Texas

Respectfully submitted,

**BROWN MCCARROLL, L.L.P.**  
111 Congress Avenue, Suite 1400  
Austin, Texas 78701  
(512) 479-1141  
(512) 226-7320 (fax)

By:   
Patricia B. Tomasco (PT 0899)  
Texas Bar No. 01797600  
ptomasco@mailbmc.com

**EXHIBIT “A”**

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
(FOLEY SQUARE)**

	§	<b>ECF CASE</b>
	§	
<b>ELLINGTON CREDIT FUND, LTD.</b>	§	
<b>AND ECF SPECIAL SECURITIES, LLC</b>	§	
<b>PLAINTIFFS</b>	§	
	§	
<b>V.</b>	§	<b>CASE NO. 1:08-CV-02437-RJS</b>
	§	
<b>SELECT PORTFOLIO, INC.,</b>	§	
<b>MANUFACTURERS AND TRADERS</b>	§	<b>ORDER FOR ADMISSION PRO</b>
<b>TRUST COMPANY, MBIA INSURANCE</b>	§	<b>HAC VICE ON WRITTEN</b>
<b>CORPORATION, MOUNTAIN WEST</b>	§	<b>MOTION</b>
<b>REALTY CORP., RESIDENTIAL REAL</b>	§	
<b>ESTATE SERVICES, INC., ALTA REAL</b>	§	
<b>ESTATE SERVICES, INC., AND PELATIS</b>	§	
<b>INSURANCE AGENCY CORP.</b>	§	
<b>DEFENDANTS</b>	§	

Upon the Motion of Patricia B. Tomasco, counsel for Plaintiffs Ellington Credit Fund, Ltd. and ECF Special Securities, LLC, and said sponsor attorney's Affidavit in support;

**IT IS HEREBY ORDERED** that

Applicant's Name:	Stephen W. Lemmon
Firm Name:	Brown McCarroll, L.L.P.
Address:	111 Congress Avenue, Suite 1400
City/State/Zip:	Austin, Texas 78701
Phone Number:	512-479-1148
Fax Number:	512-226-7325

is admitted to practice pr hac vice as counsel for Plaintiffs in the above-captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated:

\_\_\_\_\_  
New York, New York

\_\_\_\_\_  
United States District Judge

**EXHIBIT “B”**

# The Supreme Court of Texas

AUSTIN

CLERK'S OFFICE

I, **BLAKE HAWTHORNE**, Clerk of the Supreme Court of Texas, certify that the records of this office show that

**Stephen Wayne Lemmon**

was duly admitted and licensed as an attorney and counselor at law by the Supreme Court of Texas on the 2nd day of November, 1984.

I further certify that the records of this office show that, as of this date

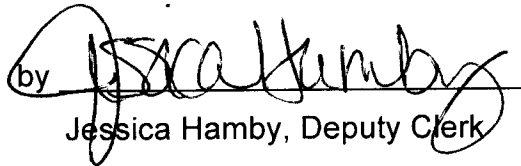
**Stephen Wayne Lemmon**

is presently enrolled with the State Bar of Texas as an active member in good standing.

**IN TESTIMONY WHEREOF** witness my hand

and the seal of the Supreme Court of  
Texas at the City of Austin, this, the  
5th day of May, 2008.

BLAKE HAWTHORNE, Clerk

by   
Jessica Hamby, Deputy Clerk

No. 0505B



UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
(FOLEY SQUARE)

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AND ECF SPECIAL SECURITIES, LLC	§	
PLAINTIFFS	§	
	§	
V.	§	CASE NO. 1:08-CV-02437-RJS
	§	
SELECT PORTFOLIO, INC.,	§	PROOF OF SERVICE AS TO
MANUFACTURERS AND TRADERS	§	MOTION TO ADMIT COUNSEL
TRUST COMPANY, MBIA INSURANCE	§	PRO HAC VICE
CORPORATION, MOUNTAIN WEST	§	
REALTY CORP., RESIDENTIAL REAL	§	
ESTATE SERVICES, INC., ALTA REAL	§	
ESTATE SERVICES, INC., AND PELATIS	§	
INSURANCE AGENCY CORP.	§	
DEFENDANTS	§	
_____	§	

I, PENNY S. KELLER, hereby certify that on May 6, 2008, a true and correct copy of *Motion to Admit Counsel Pro Hac Vice* and *Affidavit of Patricia B. Tomasco in Support of Motion to Admit Counsel Pro Hac Vice* was served via United States first-class mail on the following counsel:

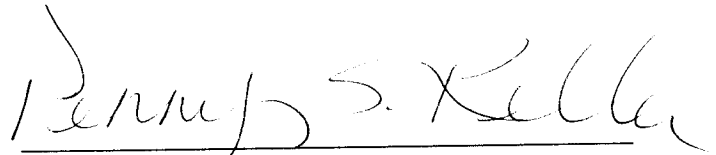
Mark K. Glasser  
Penn C. Huston  
**King & Spalding, L.L.P.**  
1100 Louisiana  
Houston, TX 77002

Joseph N. Froehlich  
**Lord, Bissell & Brook, LLP**  
885 Third Avenue, 26<sup>th</sup> Floor  
New York, NY 10022-4802

Thomas G. Yoxall  
**Locke Lord Bissell & Liddell, LLP**  
2200 Ross Avenue, Suite 2200  
Dallas, TX 75201-6776

Marc D. Powers  
**Baker & Hostetler LLP**  
45 Rockefeller Plaza  
New York, NY 10111

Dated: May 6, 2008  
Austin, Texas

A handwritten signature in cursive script, reading "Penny S. Keller", written over a horizontal line.

Penny S. Keller  
Paralegal  
**Brown McCarroll, L.L.P.**